

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

LEWIS CATO

V

No. 14-0378

COMMONWEALTH EDISON COMPANY

Complaint as to billing/charges)
in Cicero, Illinois.)

Chicago, Illinois

April 15, 2015

Met pursuant to notice at 11:00 a.m.

BEFORE :

MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES:

MR. LEWIS CATO
5439 West 25th Street
Apartment 1
Cicero, Illinois 60804
appeared pro se;

MR. MARK L. GOLDSTEIN
3019 Province Circle
Mundelein, Illinois 60060
appeared for Respondent;

1 APPEARANCES: (Cont'd.)

2

3 MS. REBECCA GRAHAM
4 115 South LaSalle Street
5 Suite 2600
6 Chicago, Illinois 60603
7 appeared for Respondent.

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10 ALSO PRESENT:

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12 MS. ERIN BUECHLER
13 Representative of ComEd.

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28 SULLIVAN REPORTING COMPANY, by
29 Teresann B. Giorgi, CSR
30 084-000977

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2							Re-	Re-
3	<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	<u>dir.</u>	<u>crx.</u>		<u>By</u>	
4	NONE						<u>Examiner</u>	
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9		<u>E</u>	<u>X</u>	<u>H</u>	<u>I</u>	<u>B</u>	<u>I</u>	<u>T</u>
10	<u>APPLICANT'S</u>	<u>FOR</u>	<u>IDENTIFICATION</u>				<u>IN</u>	<u>EVIDENCE</u>
11	NONE							
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1 JUDGE RILEY: Pursuant to the direction of
2 the Illinois Commerce Commission, I call
3 Docket 14-0378.

4 This is a complaint by Lewis Cato
5 versus Commonwealth Edison Company as to billing
6 and charges in Cicero, Illinois.

7 And, Mr. Cato, you're appearing
8 without an attorney at this time, is that correct?

9 MR. CATO: Exactly.

10 JUDGE RILEY: And, Mr. Goldstein, would you
11 enter an appearance for Commonwealth Edison?

12 MR. CATO:

13 MR. GOLDSTEIN: For Commonwealth Edison Company,
14 Mark L. Goldstein, 3019 Province Circle, Mundelein,
15 Illinois 60060. My telephone number is
16 847-949-1340.

17 MS. GRAHAM: Rebecca Graham, 115 South LaSalle
18 Street, Suite 2600, Chicago, Illinois 60603. My
19 telephone number is 312-

20 And with us today is Erin Buechler of
21 ComEd.

22 JUDGE RILEY: All right. Thank you very much.

1 And, Mr. Cato, I've gone through
2 complaint. Is it, essentially, you're asking for a
3 meter test or --

4 MR. CATO: Oh, I did ask for that, but it seemed
5 that it was jimmied, I guess --

6 JUDGE RILEY: I'm sorry?

7 MR. CATO: Jimmied, if you know what jimmied is.

8 JUDGE RILEY: Where it was tampered with?

9 MR. CATO: Yeah. Well, it was kind of like
10 using the '60s expression, jimmied -- like jimmied.

11 JUDGE RILEY: In what way was it?

12 MR. CATO: Well, it just seemed that it's kind
13 of strange that when it was switched from the old
14 one to the new one money went up and I thought
15 that's kind of weird because it wasn't like that
16 before.

17 JUDGE RILEY: Okay. When was the meters
18 exchanged?

19 MR. CATO: That was like back in -- right around
20 when I filed it, 2013, two years ago.

21 JUDGE RILEY: All right.

22 MR. CATO: I thought that's kind of weird.

1 JUDGE RILEY: And it's your contention that
2 after the meter --

3 MR. CATO: Something was like -- either jimmied,
4 I think or -- if you know what jimmied is --

5 JUDGE RILEY: I have an idea of what you're
6 talking about.

7 MR. CATO: It's from the '60s. You know how
8 they talk now just scan the lock, whatever, but back
9 then it was called jimmy the lock or jerry-rig.
10 That's all expressions. I come from that
11 generation. Something was, like, jerry-rigged,
12 something happened to that because it's kind of
13 weird that before then and I looked at the history,
14 it seemed that the rates jumped and I figured
15 something here. What happened? I don't know. I'm
16 not the guy who installed it.

17 JUDGE RILEY: But it's your contention that
18 because of the switch in meters the cost of your
19 electricity went up?

20 MR. CATO: It jumped. And I figured, why would
21 it jump like that? And I noticed in the billing, I
22 thought, that's weird, it jumped like that. That's

1 kind of weird.

2 I remember talking to the guy that
3 came and installed it. A guy named -- I forget the
4 guy that came around, but he said to me, How you
5 doing? I said, Is there any way that you can check
6 that meter? And he said, Which one? Well, like,
7 the general they use for the building. But I guess,
8 you know, individuals apartments, can you check it?
9 He goes, Why? I go, I want to find out. It seemed
10 like the rate went up. I was talking to him in the
11 street. And he said, Oh, okay, I'll check it.

12 I go, because it seems, I says -- this
13 also goes to, like, kind of where a woman in the
14 apartment building is actually the one in charge of
15 opening and closing the building for the people --
16 like utility people. She's the only lady the
17 landlord gave her authority to do so.

18 So he said to me -- he said, If you
19 want me to do that, he said, I have to go over to
20 the lady that -- I said, Yeah, I know. You have to
21 go check with the lady that has the authority and
22 the key to get into the basement. And he said,

1 Okay, then I'll be back. All right.

2 And, then, maybe, it was a couple
3 hours that passed by. He came by, knocked on my
4 door. I said, Yeah. He goes -- I asked him, Did
5 you get anything out -- or what happened? He's
6 like, It seems everything is fine. And I go, And
7 how come the rate went up? He goes, Really? I
8 said, Yeah. Something is going on. He says, I'll
9 talk to ComEd.

10 And then he claimed that he called
11 ComEd whatever. And then when I called ComEd, I go,
12 Hey, so, what do you think of his report. He goes,
13 Whose report? I go, The guy that was here on this
14 date and this time. He said, Nobody told us
15 anything.

16 And, then, I figured, this guy is in
17 seniority and I'm sure -- he's well astute. He's
18 doing his job. I figured, fail to report -- I
19 figured, come on, what's going on here? Someone is
20 not -- someone is kind of playing a lot of games.

21 JUDGE RILEY: Well, how much did your bills
22 increase after the meter was switched?

1 MR. CATO: I noticed that when it increased back
2 then, it went up by -- let me take a look at what
3 I'm doing here -- going back to about 2013.

4 JUDGE RILEY: I know that you said in your
5 complaint that at one point it seemed to go from
6 zero and spiked to \$261.

7 MR. CATO: If that's what it -- right. I
8 thought that's kind of weird.

9 JUDGE RILEY: Was that just in a single month?

10 MR. CATO: Yeah. And I figured, what's going on
11 here? And then I remembered putting in the
12 complaint with ComEd and they told me, Oh, would you
13 like to -- and I go, You come out here --

14 THE REPORTER: I'm sorry. He's not --

15 MR. CATO: Oh, I don't think she's assimilating.
16 I'm giving it too fast.

17 JUDGE RILEY: Just take your time. We're in no
18 hurry here. That's fine.

19 MR. CATO: How slow do you want me to go?

20 JUDGE RILEY: Just continue.

21 MR. CATO: Okay. Because you're going to throw
22 off my rhythm then.

1 I'm designed this way to talk. I'm
2 Italians. I'm designed this way (indicating). With
3 my mannerisms, I'm just designed this way.

4 JUDGE RILEY: But do you remember what month it
5 was that your bill spiked from --

6 MR. CATO: Well, I think I was going there
7 except that she stopped us.

8 I think it was like -- I have notes
9 here, something around -- I think I remember him
10 coming around July. I think I remember -- I notice
11 I've got a note, on around July 16th last year.

12 JUDGE RILEY: 2014 or 2013?

13 MR. CATO: No, 2013. Yeah, if I'm right about
14 this.

15 JUDGE RILEY: Did it continue to spike?

16 MR. CATO: Yeah, and then it continued.

17 And, then, all of a sudden then you
18 just had the -- the whole thing with that, what do
19 you call it, CUB thing or whatever. You guys had
20 that disagreement, whatever, in court, it was all
21 over TV, whatever. CUB -- what do you call it --

22 JUDGE RILEY: Citizens --

1 MR. CATO: That's it, the Citizens --

2 JUDGE RILEY: -- Utility Board.

3 MR. CATO: And then all of a sudden it -- where
4 you had to pay back people -- something like that,
5 whatever. And then -- and it kind of went down. I
6 figured -- and then, of course, I did my CEDA thing,
7 I always do. I went to CEDA, whatever, they got the
8 money there. They kind of relaxed kind of
9 everything, but then I thought -- and the other
10 argument, they go -- I got on two other notes --
11 when I went to CEDA the first time two years before,
12 in 2011, I thought I remembered that all my late
13 charges were kind of high --

14 JUDGE RILEY: You're --

15 MR. CATO: The late charges, always put on
16 there, penalties, I guess, or sanctions.

17 JUDGE RILEY: The late charges you're saying.

18 MR. CATO: Yeah, the late charges.

19 And then I figured, I'll go there,
20 I'll put the hardship grant -- and then the hardship
21 grant, I figured, that would cover the late charges
22 pretty much. It will make it go down. Well, it

1 seemed like someone there was kind of siphoning
2 money and figured, What we'll do, we'll still leave
3 him with the big total. And I figured, Wait a
4 second, where did all that money go to? And I
5 remember that was my other argument. I thought,
6 who's siphoning money to kind of come out equally?
7 And then that way I figured, wait a second, they
8 gave me this much and it's still -- I owe that much.
9 I figured, someone kind of (inaudible)-- that
10 matches what? I mean, I came in court. I mean,
11 that doesn't make any sense. Yeah. The total just
12 doesn't jar in regular mathematical type of
13 computing.

14 JUDGE RILEY: Okay. Let me see what ComEd's
15 position is on this now.

16 MR. GOLDSTEIN: Boy, first of all, there were no
17 spikes in usage, whether the meter was tested. The
18 meter tested. The meter tested fine. There were no
19 spikes.

20 What he's complaining about is when we
21 settled the original complaint that he had back in
22 2011, where we settled it in 2013, all the meter

1 readings are actual reads from 2011 forward till
2 now. All the bills are within a reasonable range.
3 So he has nothing at all to complain about. The
4 balance on his account is less than \$76.

5 This is just a total complete and
6 absolute waste of time.

7 JUDGE RILEY: Mr. Cato, what does your most
8 recent bill say?

9 MR. CATO: What he said.

10 JUDGE RILEY: So your account is down to 70- --

11 MR. CATO: He said 70- -- I don't know, I
12 got 75.27 to be exact.

13 MR. GOLDSTEIN: Yeah, less than 76.

14 MR. CATO: I'm not splitting hairs, but that's
15 what it is.

16 MR. GOLDSTEIN: That's correct.

17 And let me add one more thing, Judge.

18 Mr. Cato, has made, as far as I can
19 determine, in the last four years he's made actually
20 one payment on his electric bill. Between getting
21 LIHEAP payments and Residential Hardship payments
22 towards his electric bill, that's the reason his

1 balance is so low. So, he has absolutely nothing to
2 complain about.

3 And I would ask that the complaint be
4 dismissed today.

5 JUDGE RILEY: Mr. Cato --

6 MR. CATO: Well, I was going to address him.

7 JUDGE RILEY: -- he has made a motion to
8 dismiss.

9 MR. CATO: A little sidebar is that I remember
10 calling you and you never even answered my phone
11 either. Just kind of a sidenote. You can look me
12 in the eye, that's interesting.

13 How come you never answered the phone
14 calls when I gave you phone calls?

15 MR. GOLDSTEIN: You never called me.

16 MR. CATO: Oh, really.

17 MR. GOLDSTEIN: You e-mailed me from --

18 MR. CATO: You never returned my e-mails either.

19 MR. GOLDSTEIN: -- the Berwyn Library on a
20 Saturday and you wanted me to settle your matter
21 instantaneously on a weekend.

22 MR. CATO: You never returned my e-mail either.

1 MR. GOLDSTEIN: I don't remember if I did or
2 not.

3 MR. CATO: No, well, obviously you didn't. It's
4 proven there's no e-mail return.

5 MR. GOLDSTEIN: And, so, you filed your
6 complaint immediately after --

7 MR. CATO: I never got no answer from you, so
8 what do you want me to do?

9 MR. GOLDSTEIN: Now, I'm making my motion.

10 JUDGE RILEY: And what is your -- do you object
11 to the motion to dismiss?

12 MR. CATO: Of course.

13 JUDGE RILEY: And if you were to -- if we were
14 to go to hearing, what would we go to hearing on?

15 MR. CATO: Well, to find out why did it spike,
16 that's what I want to find out.

17 MR. GOLDSTEIN: There were no spikes.

18 MR. CATO: There were spikes.

19 MR. GOLDSTEIN: There were no spikes.

20 MR. CATO: Well, when I show the judge, he'll
21 see -- here you are, here's the spikes.

22 MR. GOLDSTEIN: Give him an Activity Statement,

1 Erin.

2 MR. CATO: That's why I keep it in the mail.

3 You don't return e-mails, it's coming from you.

4 MR. GOLDSTEIN: Your bills are absolutely

5 consistent. There are no spikes.

6 MS. BUECHLER: Today (indicating).

7 MR. CATO: Not today, not when it spiked. The

8 spike was 2013.

9 MS. BUECHLER: It goes back to 2013, sir.

10 MR. CATO: In fact, it was a spike.

11 MR. GOLDSTEIN: No spikes.

12 MR. CATO: How come I got here, there was a

13 spike here?

14 MR. GOLDSTEIN: Well, I've made my motion,

15 Judge.

16 JUDGE RILEY: I understand.

17 MR. GOLDSTEIN: He's made his response.

18 Either you can rule on the motion or

19 not rule on the motion --

20 MR. CATO: Spike. Take a look at that bill.

21 It's spiked there. It went up.

22 MS. BUECHLER: Where.

1 Your bill goes up every month if
2 you're not paying your bill.

3 MR. CATO: No, I had nothing to do with that.

4 MS. BUECHLER: Okay. This usage looks
5 absolutely in line with the past two years of your
6 usage. I see no spike on this bill.

7 MR. CATO: The woman of reason, I guess.

8 MR. GOLDSTEIN: I made my motion, Judge, rule on
9 it and let's move on.

10 JUDGE RILEY: Well, if it involves the ultimate
11 disposition of the case, it's going to have to go
12 before the Commission, that's the procedure.

13 MR. CATO: Thank you, sir.

14 JUDGE RILEY: So, you've objected to the motion
15 to dismiss.

16 MR. CATO: Yeah, because -- I'm troubled. When
17 a person doesn't return e-mails, there's something
18 going -- it's just an e-mail to return and he didn't
19 want to. That shows a lot of signs of the person's
20 character.

21 JUDGE RILEY: Let me -- before I do anything,
22 let me take a look at the documentation you've

1 got --

2 MR. CATO: Yeah.

3 JUDGE RILEY: -- and we'll see what this looks
4 like.

5 MR. CATO: The bottom is past and the top is the
6 present (indicating).

7 JUDGE RILEY: Okay.

8 MR. CATO: In between there are all the notices
9 from ComEd.

10 I'm glad you're looking at the back
11 there, your Honor, because if you notice my notes
12 also mention about the late payment charges, which I
13 thought was kind of -- I said, every time someone is
14 late, they bill -- I figured, oh, they got a good
15 racket going there. Every time there's a late
16 charge, boom, boom. I figured, no one will get
17 under it -- no one will actually get over it.
18 They're always under. I figured, no one will ever
19 get over this whole thing. Late charges. Late
20 charges.

21 MR. GOLDSTEIN: Well --

22 MR. CATO: I think I marked -- some are marked

1 there, your Honor, I noticed particular things on
2 those, I think that's why I thumb marked them. The
3 circles, I think also, mention something, the
4 circles.

5 JUDGE RILEY: Okay. I do discern a pattern just
6 from the cursory look that I got from those bills.

7 Mr. Cato, any number of the payments
8 that -- your bills start with some very very high
9 balances, 11, 12, \$1300. And they were diminished
10 considerably by Hardship payments. And I noted that
11 on two -- there was a pattern that after each
12 Hardship payment, the bill would increase and
13 increase and increase again, and then you would get
14 another LIHEAP or Hardship payment --

15 MR. CATO: And when I saw that figure, Boy, I
16 said, I'm going to have to go to CEDA in order to
17 cover all these spikes going up.

18 JUDGE RILEY: Right.

19 MR. CATO: And if not for them -- they keep
20 going up. They'd probably put someone in jail
21 because --

22 JUDGE RILEY: But the reason that your bill was

1 going up is because of a nonpayment and Ms. Buechler
2 called that. She said that's the reason that the
3 bill increased. It wasn't because of any deficiency
4 in the meter. And it was due to any abnormal usage.
5 It was because you weren't paying the bill.

6 MR. CATO: Well, when the meter was changed, I
7 did notice that spike. That's something else I did
8 notice too.

9 JUDGE RILEY: But there's nothing in there that
10 links the change in the meter to the spike -- the
11 spike in the billings is caused by the nonpayment
12 and the bill just increases every month because of
13 the unpaid past bill. That's what happened here.
14 And then you'd get another LIHEAP or another CEDA
15 payment, the bill would go down. At one point it
16 was at zero and it increased and increased. And now
17 you're all the way down to \$75, which is a very --

18 MR. CATO: Well, that's because of CEDA. If it
19 wasn't for CEDA, that's the only thing. Thank God
20 for CEDA.

21 JUDGE RILEY: Right.

22 MR. CATO: If it's not for CEDA, then I'd be

1 owing \$15 billion.

2 JUDGE RILEY: Well, that's exactly -- well,
3 that's because you're not paying your bill, that's
4 the whole problem here.

5 MR. CATO: Well, if it's okay for me to say, I
6 disagree.

7 JUDGE RILEY: There's no mechanical spike that I
8 could see. The pattern is clear on those bills.

9 MR. CATO: But I like to disagree. I'm sure
10 that's all right.

11 JUDGE RILEY: I understand that, but what I've
12 got is a motion from Mr. Goldstein to dismiss this
13 matter and I've got to take that under advisement
14 and deal with that before we go any further.

15 MR. CATO: I understand.

16 JUDGE RILEY: So, that's the procedure.

17 So, I'm not going to close the record
18 today. But what I will do is, I will endeavor
19 to -- as soon as I get a transcript -- a copy of the
20 transcript, which will take about two weeks, I will
21 issue what is called a Proposed Order.

22 MR. CATO: Okay.

1 JUDGE RILEY: And in that Order, it will say
2 that Mr. Goldstein has made this motion to dismiss
3 based upon what he had stated previously, and I'll
4 give you an opportunity -- it will be sent to you
5 and to Mr. Goldstein, it will be filed --

6 MR. CATO: In the mail or e-mail?

7 JUDGE RILEY: It will be in the mail.

8 MR. CATO: Okay.

9 JUDGE RILEY: It should be a hard copy in the
10 mail.

11 -- and you will have an opportunity to
12 respond to that Proposed Order --

13 MR. CATO: Like a rebuttal.

14 JUDGE RILEY: -- in writing. And you would file
15 that response with the Office of the Chief Clerk,
16 the same place where you filed your initial
17 complaint.

18 MR. CATO: You mean an e-mail or on the phone or
19 what?

20 JUDGE RILEY: No --

21 MR. CATO: Oh, you write it down and mail it
22 back.

1 JUDGE RILEY: And mail it to the Chief Clerk's
2 Office.

3 And once that is posted with the Chief
4 Clerk's Office, then I will make a final decision
5 and I'll send it back to the Commission.

6 MR. CATO: And then how does that work, that
7 step?

8 JUDGE RILEY: And that would be the disposition
9 of this matter once and for all.

10 MR. CATO: And then if I want to appeal that,
11 how do I do that?

12 JUDGE RILEY: You can -- we have rules that
13 allow you to request a rehearing after the
14 Commission has made its final decision.

15 And, again, what you would do is just
16 file a petition with the Office of the Chief Clerk
17 saying, I wish to have this matter reheard.

18 MR. CATO: Oh, reheard.

19 JUDGE RILEY: But, let's --

20 MR. CATO: Oh, the first step is --

21 JUDGE RILEY: Exactly. The first step would be
22 is to get the Proposed Order out.

1 MR. CATO: Now, when I do -- I want to get this
2 out of the way -- the reheard thing, or whatever,
3 that would begin calling ComEd? How does that work?

4 JUDGE RILEY: No. No.

5 To apply for a rehearing, you would
6 file a petition for rehearing with the Office of the
7 Chief Clerk.

8 MR. CATO: Oh, a different form.

9 JUDGE RILEY: On a different form.

10 MR. CATO: Oh, petition for rehearing. Oh,
11 okay.

12 JUDGE RILEY: The first step would be for me to
13 get a copy of the transcript, it should be available
14 in roughly two weeks, and at that time I will
15 prepared a Proposed Order and I will get that out to
16 the parties.

17 MR. CATO: Okay. Do you want my address?

18 JUDGE RILEY: I'm sorry?

19 MR. CATO: My address.

20 JUDGE RILEY: Oh, the Clerk's Office has your
21 address.

22 It will be issued by the Clerk's

1 Office.

2 MR. CATO: Thank you.

3 JUDGE RILEY: That's where we are.

4 And I will continue this matter
5 generally.

6 MR. GOLDSTEIN: Thank you.

7 MS. GRAHAM: Thanks, Judge.

8 (Whereupon, the above-entitled
9 matter was continued
10 sine-die.)

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